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In re Application of
Chessman, et al.
Application No. 10/626,812
Filed: July 23, 2003
Attorney Docket No. 3123-366-1
For: SPRING DISK CLAMP UTILIZING
WEDGED RETAINING RING

OFFICE OF PETITIONS

DECISION GRANTING
PETITION

This is a decision on the petition filed August 9, 2004 (certificate of mailing date August 6, 2004), to accord the above-identified application a filing date of July 23, 2003.

On July 23, 2003, the application was deposited.

On July 22, 2004, the Office of Initial Patent Examination mailed a Notice stating that the specification was missing and that a filing date would be accorded upon receipt of the missing item.

In response, the present petition alleges that the specification, claims, and drawings were inadvertently omitted. However, the Utility Patent Application Transmittal sheet incorporated by reference the entire disclosure of the parent application, no. 09/905,385, now U. S. Patent No. 6,624,968. The specification and drawings in the parent and divisional appear to be identical.

The Office allows an applicant to rely upon an incorporation by reference of a parent application when a portion of the child application has been inadvertently omitted.

Based on the incorporation by reference, it appears that the specification and drawings were present in the Office on July 23, 2003, albeit in the file of another application, i.e., application No. 09/905,385, now U. S. Patent No. 6,624,968. Therefore, on petition, the application may be accorded the requested filing date of July 23, 2003.

In view of the above, the petition is **granted**. The copy of the specification, claims, and drawings submitted with the petition will be used for examination purposes.¹ No new oath/declaration is required, as the specification, claims, and drawings are from the parent application and the oath submitted on July 23, 2003 is a copy of the oath/declaration from the parent application.

¹ The Office assumes that the specification, drawings, and claims are a true and exact copy of the specification, drawings, and claims submitted in the parent application. If this is not the case, then petitioner must notify the Office. Of course, the primary examiner is expected to compare the instant specification and drawings to the disclosure of the parent application in order to verify that the specification and drawings are, in fact, parts of the disclosure of the prior application.

The petition fee of \$130 will not be refunded since the petition was required to accord the application the requested filing date.

The Application is being returned to the Office of Initial Patent Examination for further processing with a filing date of July 23, 2003, using copy of the specification, claims, and drawings filed on August 9, 2004 (certificate of mailing date August 6, 2004).

Telephone inquiries should be directed to the undersigned at (703) 308-6712.



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